

**BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: April 21, 2004

Division: County Administrator

Bulk Item: Yes ☐ No ☐

Department: County Administrator

**AGENDA ITEM WORDING:**

Approval of First Amendment to Agreement for the D&J Industries building on Big Pine Key.

**ITEM BACKGROUND:**

The Board of County Commissioners approved an offer to the bank holding the rights to the D&J Industries building on Big Pine Key. A time period was included during which the County was to undertake due diligence in reference to the studies to show that the property could be purchased without any existing liabilities. There needs to be an extension of time on that Agreement to complete due diligence.

**PREVIOUS RELEVANT BOCC ACTION:**

As above.

**CONTRACT/AGREEMENT CHANGES:**

Extension of time.

**STAFF RECOMMENDATIONS:**

Approval.

TOTAL COST: -0-

BUDGETED: Yes ☐ No ☐

COST TO COUNTY: -0-

SOURCE OF FUNDS: \_\_\_\_\_

REVENUE PRODUCING: Yes ☐ No ☐ AMOUNT PER MONTH \_\_\_\_\_ Year \_\_\_\_\_

APPROVED BY: County Atty X OMB/Purchasing \_\_\_\_\_ Risk Management \_\_\_\_\_

DIVISION DIRECTOR APPROVAL:

  
James L. Roberts

DOCUMENTATION: Included X To Follow \_\_\_\_\_ Not Required \_\_\_\_\_

DISPOSITION: \_\_\_\_\_

AGENDA ITEM # R6

# MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

## CONTRACT SUMMARY

Contract with: Beal Bank, S.S.B. Contract #           

Effective Date: 04/05/04

Expiration Date: 05/20/04

Contract Purpose/Description:  
Approval of First Amendment to Agreement for the D&J Industries building on Big Pine Key.

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Contract Manager: Debbie Frederick 4741 Co. Administrator/Stop #1  
(Name) (Ext.) (Department/Stop #)

for BOCC meeting on 04/21/04 Agenda Deadline:           

## CONTRACT COSTS

Total Dollar Value of Contract: \$ -0- Current Year Portion: \$           

Budgeted? Yes ☐ No ☐ Account Codes:           

Grant: \$           

County Match: \$           

## ADDITIONAL COSTS

Estimated Ongoing Costs: \$           /yr For:           

(Not included in dollar value above) (eg. maintenance, utilities, janitorial, salaries, etc.)

## CONTRACT REVIEW

	Date In	Changes Needed	Reviewer	Date Out
Division Director	<u>4-12-04</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>[Signature]</u>	<u>4-12-04</u>
Risk Management	<u>          </u>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<u>          </u>	<u>          </u>
O.M.B./Purchasing	<u>          </u>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<u>          </u>	<u>          </u>
County Attorney	<u>4-13-04</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>[Signature]</u>	<u>4/13/04</u>

Comments:

# MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

## CONTRACT SUMMARY

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Contract Manager: Debbie Frederick 4741 Co. Administrator/Stop #1  
 (Name) (Ext.) (Department/Stop #)

for BOCC meeting on 04/21/04 Agenda Deadline:           

## CONTRACT COSTS

Total Dollar Value of Contract: \$ -0- Current Year Portion: \$             
 Budgeted? Yes ☐ No ☐ Account Codes:             
 Grant: \$                        
 County Match: \$                      

## ADDITIONAL COSTS

Estimated Ongoing Costs: \$       /yr For:             
 (Not included in dollar value above) (eg. maintenance, utilities, janitorial, salaries, etc.)

## CONTRACT REVIEW

	Date In	Changes Needed	Reviewer	Date Out
Division Director	<u>4-12-04</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>[Signature]</u>	<u>4-12-04</u>
Risk Management	<u>4/13/04</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>Bill Graham</u>	<u>4/12/04</u>
O.M.B./Purchasing	<u>4/13/04</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>[Signature]</u>	<u>4/14/04</u>
County Attorney	<u>          </u>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<u>          </u>	<u>          </u>

Comments:

## FIRST AMENDMENT TO AGREEMENT OF PURCHASE AND SALE

THIS FIRST AMENDMENT TO AGREEMENT OF PURCHASE AND SALE (this "Amendment") is dated effective as of April 5, 2004 and is entered into by and between BEAL BANK, S.S.B., a state savings bank organized under the laws of the State of Texas ("Seller"), as seller, and Monroe County Board of County Commissioners of Monroe County, Florida, a political subdivision of the state of Florida ("Buyer"), as buyer.

### RECITALS

A. Buyer and Seller executed that certain Agreement of Purchase and Sale, dated February 18, 2004 (the "Agreement"), concerning the purchase and sale of that certain real property situated in Big Pine Key, Monroe County, Florida, as more particularly described in the Agreement (the "Property").

B. The parties wish to amend the Agreement in accordance with the terms contained herein.

C. All capitalized terms used herein but not defined herein shall have the same meaning as is set forth in the Agreement for such terms.

### AGREEMENT

1. Conditions Period. Amending Section 2.1 of the Agreement, the Conditions Period shall expire at 5:00 p.m. (Dallas, TX time) on May 20, 2004.

2. Counterparts. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument.

3. Facsimile Signatures. Facsimile signatures hereon shall be treated for all purposes as original signatures.

4. Except as amended hereby, the Agreement shall be and continue in full force and effect.

[SIGNATURE PAGE FOLLOWS]

DATED as of the date first above written.

**SELLER:**

BEAL BANK, S.S.B.,  
a state savings bank organized under the laws  
of the State of Texas

By: [Signature]  
Name: KEITH TWIGGHELL  
Title: Assistant Vice President

**BUYER:**

MONROE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
[Signature]  
SUZANNE A. HUTTON  
ASSISTANT COUNTY ATTORNEY  
Date 7/13/04